IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE TWENTIETH DAY OF JANUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE GODA RAGHURAM

WRIT PETITION NO : 17329 of 2004

Between:

Manam Nageswara Rao, S/o. Venkata Subbaiah, Hindu,
Timmasamudram Village, Naguluppalapadu Mandal, Prakasam District.

..... PETITIONER

AND

1 The Commissioner, Endowments Department, Andhra Pradesh, Hyderabad.
2 Sri Gorantla Venkanna Trust, Timmasamudram Village, Naguluppalapadu, Prakasam District. Rep by its Executive Officer
3 Sri Gorantla Santhaiah, S/o. Syamasundara Rao, Hindu, Timmasamudram Village, Naguluppalapadu, Prakasam District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue a writ, order or direction in the nature of Mandamus declaring the proceedings in Rc.No. D2/30761/2003 dt. 20-2-2003 of the 1st respondent in appointing the 3rd respondent as one of the 7 trustees of Non-Hereditory Trust Board to Sri Gorantla Venkanna Trust, Timmasamudram Village, Naguluppalapadu Mandal, Prakasam District without making an enquiry as to the 3rd respondent corruption as Chairman of Sri Gorantla Venkanna Trust, Timmasamudram Village, Naguluppalapadu Mandal, Prakasam District for the earlier years 2002-2004 as being illegal, unjust, arbitrary and violative of Article 14 of the constitution of India and the provisions of Act 30/1987.

Counsel for the Petitioner: MR.E.V.BHAGIRATHA RAO

Counsel for the Respondent No.1: GP FOR ENDOWMENTS

Counsel for the Respondent No.2: Ms. Indrani, S.C.

Counsel for the Respondent No.3: Mr. M.Brahma Reddy

The Court made the following:

Oral order:-

By the proceedings of the Commissioner of Endowments dated 20-02-2004, a Non-Hereditary Trust Board was constituted for the Sri Gorantla Venkanna Trust, Thimmasamudram village, Naguluppalapadu Mandal, Prakasham district. Seven (7) persons were appointed as trustees including the 3rd respondent. This order of the 1st respondent is challenged in the writ petition.

The petitioner's grievance is that the 3rd respondent was the Chairman of Non-Hereditory Trust Board for the year 2002-2004, that during the said period, the 3rd respondent misappropriated the income of the trust, appointed his younger brother as Warden and Store-keeper of the Men's Oriental College administered by the trust and committed several irregularities. The petitioner and seven (7) other villagers made a complaint to the 1st respondent about these irregularities allegedly committed by the 3rd respondent. Such a complaint was made after the notice dated 04-08-2003 was issued inviting applications from interested persons for the trustee-ship. Despite the representation of the petitioner and others, the 1st respondent, without inquiring into the truth or otherwise of the allegations, yielded to the pressures of the local M.L.A., of Telugu Desam Party and mechanically nominated the name of the 3rd respondent as one of the seven members of the Non-Hereditary Trust Board, by his proceedings dated 20-02-2004, is the assertion in the writ petition and on this basis, the invalidation of the impugned proceedings is sought.

The 1st respondent has filed a counter affidavit stating that the allegations of eight villagers, including the petitioner, have been inquired into. It is pleaded that an inquiry into the antecedents of the applicants to the Trusteeship was entrusted to the Assistant Commissioner, Endowments Department, Ongole. The said Officer

inquired into the issue and submitted his report on 24-01-2004. It is further stated by the answering respondent that during the inquiry by the Assistant Commissioner, Endowments Department, Ongole, three persons had attended at the inquiry and submitted their statements, which established that all the allegations made against the 3rd respondent are false. The allegation that the 3rd respondent has appointed his younger brother—Mr. Gorantla Rambabu as Warden-cum-Store Keeper and as Drill Teacher is not correct. The said person was appointed as Warden-cum-Physical Director in the Oriental College pursuant to the orders of the then Deputy Commissioner, Endowments Department, Guntur dated 19-01-1990 at which time the 3rd respondent was not even a trustee. The Executive Officer of the Trust had also furnished his statement to the effect that all the allegations made against the 3rd respondent are false. The 1st respondent further states that all the allegations made by the petitioner and others against the 3rd respondent were, on inquiry, found to be false and without basis.

Pursuant to the orders impugned in this writ petition, the Assistant Commissioner, Endowments Department, Ongole, administered the oath of office and secrecy to all the trustees appointed by the impugned order, including the 3rd respondent, on 01-03-2004 and a special meeting for election of Chairman was convened as per the rules in the premises of the Trust on 08-03-2004. At the meeting, attended by all the seven trustees, the 3rd respondent was unanimously elected as Chairman of the Trust.

In view of the averments made in the counter affidavit of the 1st respondent, which are not denied by the petitioner in any subsequent pleadings, the allegation of the petitioner that the 3rd respondent was appointed by the 1st respondent as Non-Hereditary Trust Board without inquiring into the allegations made by the petitioner and others, is without basis. In the circumstances, there are no merits in the writ petition. The writ petition is, accordingly, dismissed. No costs.

GODA RAGHURAM, J

Dt. 20-01-2005

Pvks/*

To

1 The Commissioner, Endowments Department, Andhra Pradesh, Hyderabad.
2. The Executive Officer, Sri Gorantla Venkanna Trust, Timmasamudram Village, Naguluppalapadu, Prakasam District.
3. Sri Gorantla Santhaiah, S/o. Syamasundara Rao, Hindu,
Timmasamudram Village, Naguluppalapadu, Prakasam District.

4.2CCs to the Government Pleader for Endowments, A.P. High Court Buildings, Hyderabad (OPUC).

5.2CD copies

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